

EXHIBIT N

Senate Judiciary Hearing
January 27, 2012

Commission Chair: Sen. Adam Kline: Let me introduce, ah, a little bit of the procedure here in Senate Judiciary Committee so that people will understand, uh, first our need for succinct testimony. We have a system, it's little lights, those white things on the edges of the podium are lights, they start green, they get to yellow, and they get to red, and yes, they mean exactly what you think they mean. Each witness who is called – and I will not be able to call every witness – just look at the room, I – because we can't do that – 3 minutes times this number – So, what I'm gonna do is um, keep the testimony relevant, talk to or ask people to testify who had some role in developing these bills, or some personal experience that makes them necessary, and uh, let's go from there. Okay – let's start with our staff, which will explain – Julianna?

Julianna Roe: Katherine is going to start.

Sen. Adam Kline: Katherine.

Katherine Taylor: Yes.

Sen. Adam Kline: Okay – who will explain, uh, what these bills are for members, and listen carefully – it's legalese but you'll get it.

Katherine Taylor: All right. For the record, my name is Katherine Taylor, I'm staff counsel for the Committee. Before the Committee is Proposed Substitute Bill 6251, it concerns regulating advertising of commercial sexual abuse of a minor. Specifically, a person, corporation, limited liability company or other business entity commits the offense of advertising commercial sexual abuse of a minor if the entity knowingly sells or offers to sell an advertisement, and an act of commercial sexual abuse of a minor or prostitution results within the State of Washington. For a corporation, joint stock association or limited liability company to knowingly sell or offer to sell an advertisement, the conduct must consist of an omission to discharge a specific duty of performance imposed on corporations, joint stock associations or limited liability companies by law. The conduct must be engaged in, authorized, solicited, requested or commanded, or tolerated, by the board of directors or by a high managerial agent, acting within the scope of his or her employment and on behalf of the corporation, joint stock association or limited liability company, or the conduct must be engaged in by an agent of the corporation, joint stock association or limited liability company other than a high

managerial agent, while acting within the scope of his or her employment and on behalf, again, of the corporation joint stock association or limited liability company. It is a defense that at the time of the offense, the defendant made a reasonable bona fide attempt to ascertain the true age of the minor appearing in the advertisement by requiring the minor to appear in person and present identification, and did not rely solely on oral or written allegation, allegations of the minor's age, or the parent age of the minor. Thank you. And then if I might just move right along to the next bill – Senate Bill 6258 concerns unaccompanied persons – specifically negligent treatment or maltreatment may include a physical search without probable cause of a child that involves the act of touching the anus, sexual organ, buttocks or breasts of the other person, such as touching through clothing or the act of a parent in allowing a child under the age of 14 to be transported unaccompanied by a parent or adult responsible for the child's care. Further, a person commits the crime of luring if the person orders, lures or attempts to lure a minor or a person with developmental disability into an area or structure that is obscured from an inaccessible, or inaccessible to the public, or away from an area or structure consisting, constituting a bus terminal, airport terminal, or other transportation terminal, or into a motor vehicle, does not have the consent of the minor's parent or guardian, or of the guardian of the person with the developmental disability, or is unknown to the child or developmental, developmentally disabled person. Thank you.

Julianne Roe:

The next bill before us is 6256. This bill, um, adds promoting commercial sexual abuse of a minor to the list of gang-related offenses that are committed to provide the gang with any advantage in or control or dominance over a market sector. 6257 is um, the sexually explicit performance bill. It adds sexually explicit performances to the crimes of trafficking and commercial sexual abuse. It is defined as a public, private or live photograph, recorded or videotaped actor show intended to arouse or satisfy the sexual desires or appeal to the prurient interests of patrons. The next bill is 6259, dealing with restitution. This bill would require restitution for the crimes of human trafficking, promoting prostitution in the first degree, and promoting commercial sexual abuse of minors regardless of extraordinary circumstances. And finally, Senate Bill 6260, deals with fees. It increases fees for several crimes, including trafficking, promoting prostitution, patronizing a prostitute, and permitting prostitution. It makes several of the crimes on the third and subsequent offense to – it requires a person to register as a sex offender. It states that courts cannot suspend payment of a fee if a person enters into a diversion agreement for a specific list of these prostitution and sexual abuse crimes, and the Court may find that a person does not have the ability to pay all or part of the fee, but that must be made on the record.

Harry Nunn:

Good afternoon, Mr. Chair and members of the Committee. Senate Bill 6252 deals with the Criminal Profiteering Act –

Sen. Adam
Kline:

I'm sorry, 625 what?

Harry Nunn:

6252. Deals with the Criminal Profiteering Act which provides civil remedies, penalties and remedies for a variety of criminal activities. In this case, a single act of either commercial sexual abuse of a minor or promoting prostitution, may trigger a Criminal Profiteering Act remedy. Those remedies include recovering up to three times the actual damages as well as cost of the suit, a civil penalty of up to \$200,000, and as well property used to commit the offenses acquired to maintain by profits, would be subject to forfeiture. The recovered money goes first to restitution to any person damaged, then to the State general fund or the County anti-profiteering revolving fund, depending on who brings the suit. Senate Bill 6253 deals purely with the civil forfeiture, and civil forfeiture may be sought against the proceeds of property of instrumentalities used to facilitate the crimes of commercial sexual abuse of a minor or promoting prostitution in the first degree. Convictions required and the claimant who prevails in recovering seized property gets reasonable attorney's fees if they win. If the property is forfeited, it must be sold and the proceeds deposited in the Prostitution Prevention and Intervention account. Senate Bill 6254 deals – says that promoting prostitution in the first degree may also be committed if an individual knowingly advances prostitution by compelling a person with a mental disability to engage in prostitution or profits from that. The mental disability must be one that renders the person incapable of consent. Promoting prostitution in the first degree is currently done by compelling a person by force or threat to engage in prostitution and it's a Class B felony. This would also – promoting prostitution is also an act of criminal profiteering. Finally, Senate Bill 6255 provides an affirmative defense in a prosecution for prostitution that the actor committed the offense, the prostitute in this case, committed the offense as a result of having been a victim of trafficking, promoting prostitution in the first degree or trafficking in persons under the Trafficking Victims Protection Act. In addition, every person that has already been convicted may apply to the sentencing court for vacation of their criminal record for that prostitution offense. That's all the bills you have before you today.

Sen. Adam
Kline:

Okay. Questions of staff members? Okay, Harry Nunn, thank you. What I'd like to do is to take some of the authors of this bill, starting with Senator Kohl-Welles, and I know Senator Stevens has had a role in this, and Senator Delvin, and go over the uh, entirety of it before we get to individual bills. Senator Kohl-Welles?

Sen. Jeanne
Kohl-Welles:

Thank you, Mr. Chair. I'm Jeanne Kohl-Welles, State Senator from the 36th District. And I appreciate your holding a hearing on all ten of these bills. I commend all ten of them to you, and the sponsors. We worked together in a bi-partisan way, because we believe that sex trafficking is not a partisan issue

whatsoever. I would also like to commend former Representative Velma Veloria, who is here today - who started this whole thing off ten years ago in 2002. We became the first state in the country to enact any trafficking legislation and have been in the lead ever since. We are passing out to you a list of all the bills that have been enacted over this ten year period.

Community organizations, of course, also were involved, and both Senator Delvin and Senator Stevens have been instrumental in many of these bills being brought forward and enacted. I do have a PowerPoint that's just a few slides, it's very short, and uh, I have copies for all of the Committee Members as well. I'm going to speak only on my bill, Senate Bill 6251 – again, I, I support all of the 10. This bill pertains to a very visible issue that has received a great deal of media attention, and the attention of the Mayor of Seattle, Mayor McGinn, who is here to speak, the Attorney General, Port Commissioner, President of Seattle Port Gael Tarleton, Council Member Tim Burgess – all of whom are here, and you will hear some excellent testimony, including from Congresswoman – former Congresswoman Linda Smith, and some others. This bill concerns online advertising of adult escort services. And especially focuses on online advertising of ads that have no age verification other than just clicking on something online. And what this bill's attempt to do is to make sure as we possibly can that when ads are taken out online for adult escort services, that there is age verification, and that we do not see minors' depictions being in the ads, or minors being able to take out the ads, or minors – or anybody else taking the, taking out the ads on behalf of the minors. We know that one publication, Backpage.com, which is owned by Village Voice, and here in the State of Washington, comes under the umbrella of *The Seattle Weekly*, makes over \$20 million dollars a year in advertising. On this page, three of these ads are of minors. Three of them, are from that Backpage.com. Can you tell which – what is the age of these girls in the ads? No, you really can't. But three are minors, they are from Backpage.com. This is an example of an advertisement from Backpage.com, and I have a couple of others. We removed the faces just for protection purposes of the minors, or of the individuals, but you'd have to see if you looked at the ads, clearly there's a message here about what this escort service is all about. And these ones – and I'll show two others – are not the racy ones. We thought best of putting those on here because we are live on TVW. This is another one. Now, what is of interest to me is what is on the next slide. This is an ad – this is the instructions on Backpage.com for placing an ad. The blue arrow shows what is required supposedly for placing an ad: "I am at least 18 years of age or older and not considered to be a minor in my state of residence." There's nothing in terms of verification – all the individual has to do is to click "Continue." The *Seattle Weekly*, however, in its print, it's hard copy publications, does require age verification in person, and you'll see on the blue arrow, "All first time advertisers must physically come to the southwest – *Seattle Weekly* offices to place their ads so visual comparison to ID can be confirmed." And what we would like to have happen is to have that same requirement for online

advertisement postings, as does exist for the hard copy newspaper advertisement placement. And, an example of a publication that does require this for online is *The Stranger*, which is in Seattle, who as I understand a few years ago, did not require in person age verification, but did change its practice, and the blue arrow shows exactly what that requirement is to come in and place the ad. And lastly – and we do have a larger poster over here to your right, and you do have this in your packet – an ad was placed in the New York Times, a full page ad – and this, we have convener of the group of clergy – we have Muslims signing, Jews, Rabbis, we have Catholics and Protestants, clergy members who signed this ad – agreeing with 51 Attorneys General including our own Attorney General, Rob McKenna, regarding this whole issue of selling minors for sex on Backpage.com – and you will hear from the Pastor John Vaughn in a few minutes. That is my testimony. I appreciate your holding a hearing on all of these bills. Thank you.

Sen. Adam
Kline:

Thank you. Senator Stevens?

Sen. Val
Stevens:

Thank you, Mr. Chair, for giving us this opportunity to speak to this hideous subject. As it is, none of us like to see these pictures, none of us like to hear. For the record, my name is Val Stevens. I represent the 39th District as their Senator. Two years ago, we were successful in passing a piece of legislation that went after the johns and the pimps – the people who, who take these young children as they are underage – young children, and use them for their own self-gratification. At that time, Senator Linda Smith – Congresswoman Linda Smith – came to me, and recognizing after working around the world, trying to free women from this kind of slavery, that right here in our own state, we have one of the worst situations for children. I won't go into that whole detail, but just to say that it has been successful since we passed that bill in taking some of these people out of their business, so to speak – whether it be buying these young children or selling them. In either way, we have been successful and have prosecution as a result. Beyond that, though, we've since discovered that many of the places that people go – these people, these, I call them perverts who would steal children's' innocence – we've discovered that they go to bus stations – the Greyhound bus station, for example – and I don't mean to belie Greyhound, but that happens to be the vehicle – some of the children run away from home for whatever reason, get on a bus, end up in a city that is foreign to them, and there is a man waiting, or a woman in some cases, to befriend them, and then take them into this kind of slavery. So what this bill that I have introduced as this part of this package, would do is go after those folks who would take those children's' innocence and use them to be sold into slavery. So, thank you Mr. Chair, for giving this a hearing.

Sen. Adam
Kline:

Senator Delvin.

Sen. Jerome
Delvin:

Thank you, Chairman Kline, and members of the Committee. Good afternoon. Senator Kohl-Welles and I started back in, around these issues back in 1995 when I was first elected to the, to the House of Representatives, and we were going after the massage industry on some of the sex trade activities that were happening there, and then over the years, you know, we've been kind of partners in, in, in working against these kind of crimes and trying to do away with this in our state, and I think, you know, our state is sending a strong message to these organizations' individuals that we're not going to tolerate that. With over, you know, a 30-year police career, these are some of the hardest ones to look at when you saw these minors, you know, that you came in contact that had gotten into this because of coercion or trickery or whatever – and that brings me to that, the one bill, the first bill is that 6254, I believe it is – that adds the developmentally disabled language in there, because we had a case recently in the Tri Cities last year, uh, that exactly involved a girl with a, she was 18 or 19 but she was developmentally disabled – so, really, she couldn't make a, a consent on her own, but she was coerced, you know, tricked into, into participating, and um, and then my assistant passed that on to Rose Gunderson with Washington Engaged, who has done a lot of work on drafting these pieces of legislation. I think that just tightens it up, because certainly a person with developmentally disabled doesn't have the, the, I don't think has the consent to, to participate in this. The other one is the, the fee and assessment – once someone is convicted, I think its 6260 – we're raising those, uh, those fines. They haven't been looked at for a while. I'm working with the House along with our good staff here on the Judiciary, to try to harmonize those bills so we don't have issues going forward with them, because they are going after the same areas on the fees and assessments, so, thank you for the opportunity.

Sen. Adam
Kline:

No problem. Thank you all.

Sen. Val
Stevens:

Senator Kline, I'd also like to commend Senator Roach on the Judiciary Committee because she has also authored one of these bills and has worked very hard on this issue.

Sen. Adam
Kline:

Thank you. Okay. And uh, let's then go to um, a number of the witnesses. Let's see – we have a list of the first witnesses – as you can tell, and I think I mentioned this earlier, um, we won't have the opportunity for everybody who's come, even everybody who has signed in to testify, to be able to do that, but we'll try to get to as many as we can. Um, in the first panel, what I'd like to have is um, Mayor McGinn, from Seattle, and Counsel Member Tim Burgess, Port President Gael Tarleton, and Seattle P.D. Assistant Chief

Jim Pugil. Welcome to the show. This is the Seattle contingent here – and I guess um, apropos of Seattle, I – just a personal comment – I used to be a newspaper man back in my younger days. I used to be very proud of that profession, I still am! And I’m dismayed to see a newspaper – in this case, *The Weekly* – um, behaving in such a way that even *The Stranger* can rightfully criticize its moral behavior. That’s pretty low. But, anyway – enough of that. Why don’t we start?

Seattle Mayor
Mike McGinn:

I think you may have just generated a blog post from *The Stranger*!

[Laughter]

Sen. Adam
Kline:

You might say that we –

Seattle Mayor
Mike McGinn:

Senator Kline, excuse me.

Sen. Adam
Kline:

- We, we know that.

Seattle Mayor
Mike McGinn:

As do I - yeah. So, first of all, just thank you, uh, Senator Kline, Senator Kohl-Welles, the members of the Committee, and everyone in this room that has been working on these issues. I’m very humbled, and that I’m able to join in what has been a long-term effort to address, um, commercial exploitation and commercial sexual exploitation. I’m here to speak to SB 6251, which has to do with advertising, um, the commercial sexual exploitation of children. As has been already mentioned, Seattle Human Services Department report from 2008 estimated that there are 300 to 500 children per year being sexually exploited in King County alone. Over a recent 12 month period, we asked Human Services providers and police to go through their files. 185 cases documented by referral and self-reporting of children. Social Services and law enforcement report younger children being involved in prostitution, with significantly more uh, children age 12 to 13, and the average age of first involvement is age 14. We asked at-risk teen service providers to go through their case files individually, and we found that one in ten children who had been through their doors has prostitution histories. Now, Seattle has been working on changing its approach to this issue. We changed the Vice Squad to the Vice High-Risk Victims Unit, and we now treat these children as victims, not criminals, and it is recoveries, not arrests. And there have been a number – the numbers of recoveries in 2010, 81, in 2011, 24. Senator Kline, you mentioned, uh, the *Seattle Weekly* and

Village Voice Media – they ran a front-page cover story attempting to minimize the nature of the problem, saying it was exaggerated. Not only were they minimizing the problem, they were also trying to obscure the fact that online advertising is an accelerant of this problem – that's the phrase that our police department uses, it's an accelerant. And I was talking about Seattle and King County statistics, but I know from speaking to mayors and police chiefs up and down the I-5 corridor, it affects towns large and small, and inland as well. The fact that it is advertised online, and these young children that are being exploited are carried up and down the I-5 corridor, is significant and real. As has been mentioned, um, \$2.1 million a month to Backpage.com, and *Village Voice Weekly* and *Seattle Weekly* is a subsidiary of that. We have asked Village Voice Media – we've had direct discussions and Village Voice Media – to require in person age verification with a photo ID for every ad placed. Other sites require it, it has worked. They've refused to do so. I've asked other mayors to join me, seven have in this state – we have asked mayors around the country to join us – this has gone national. We've talked – spoken about the clergy, the National Association of Attorney Generals. Today in the New York Times, there was an article by Nicholas Kristof, talking about a 13 year old who was making a plea to be – to get out of this life, banging on a door of an apartment. The author writes: "This 13 year old made a desperate plea for help – does anyone hear her?" Senators here, to the people working on this, thank you for hearing the plight of these children and taking action. I strongly support this bill. I'm proud to introduce Council Member Tim Burgess.

Sen. Adam
Kline:

Thank you.

Tim Burgess:

Senators, thanks for having us here this afternoon. I know Senator Kline, this is an issue that you're very interested in as well. I first want to thank you for the bipartisan approach that you've taken to this set of bills. That's gratifying from someone outside Olympia to see that happen here in our state capital. This Legislature has led the way in our country in addressing this issue – Representative Veloria, who is here, started that effort about ten years ago. But unfortunately, the problem persists and is growing larger. As the Mayor mentioned, some don't believe it really is a problem, and they think that we are exaggerating and sensationalizing. So we set out to get the facts. We just completed this week a compilation and a review of a select set of criminal prosecutions in Seattle and King County, involving some of the most serious offenses related to human trafficking. The commercial sexual abuse of a minor, promoting prostitution in the first degree, rape of a child in the first degree and sex trafficking. We examined prosecutions stretching over a 42 month period ending last August. It's all documented in these notebooks, which I will leave with you. And here's what we found: 67 offenders were charged and prosecuted by the King County Prosecuting Attorney in this 42 month period for these offenses that I mentioned. These

67 offenders victimized at least 78 girls and young women. And there's a common practice or pattern running through all of these cases. And you'll read about them in these notebooks. Psychological abuse, threats of violence, acts of violence, against each of the victims to destroy their self-respect and instill pervasive fear, all for the purpose of keeping the victims trapped in prostitution. This entrapment means that they can be sold over and over again, providing a lucrative business for their exploiters. About 30% of these victims were 18 years of age or older. The rest were juveniles. 16 and 17 years old, mostly, but a sizeable number as young as 13, 14 and 15. 60% of the juvenile offenders were exploited through commercial advertising on Backpage.com, or other Internet sites. These notebooks here include the certification for determination of probable cause in each case, and I encourage you to read a sampling of them. They're chilling. And what they show is that these victims, as Mayor McGinn just mentioned, are worthy of our attention, our action and our protection. Now, these crimes in Seattle and King County are limited to my city, but these cases are happening in Snohomish, Pierce, Spokane, and Yakima counties as well. And so I join my colleagues from the City of Seattle and the many people in this room, urging you to seriously consider this package of legislation and adopt them, so that we can protect those who are most vulnerable among us. Thank you.

Sen. Adam
Kline:

Thank you.

Jim Pugil, Chief
SPD:

Thank you, Senator Kline and Senator Kohl-Welles, for your leadership on this, and for everyone else in the room, I'd like to give a specific shout out to King County Prosecutor Sean O'Donnell, who is here, and who's been one of the leading prosecutors in the state, who has supervised all the investigations and helped rescue and recover a lot of youth who we're talking about here today. He's taking the laws that you've made years ago, and gotten landmark decisions in state court. As Mayor McGinn mentioned, about three years ago the Seattle Police Department renamed the Vice unit into the High Risk Victims Vice Unit. This was intended to show and give a statement to the community and specifically those who exploit humans, that we would do everything possible to have a victim-centered approach, for sexually exploited humans, while focusing the police and prosecutorial resources on pimps, and those who directly and indirectly exploit humans for their personal pleasure. I'll never pretend that any single law or even a lot of laws will stop the trade of humans, or the sexual exploitation of youth. It's insidious and unfortunately a scourge that can only be managed with the hope of rescuing those who are exploited regardless of age as soon as possible. I can tell you that we in Seattle and King County are doing our best to rescue victims and hold predators and those who profit off of their bodies, responsible. Chasing bad guys in the world is tough; chasing humans and bad guys on the Internet is even tougher. It's resource intensive, and increases the difficulty for police and prosecutors on holding criminals

responsible, and for rescuing the exploited youth. Senate Bill 6251, if passed, would help police, prosecutors and non-governmental organizations in reducing the harm to sexually exploiting youth that is currently made too easy and difficult to track, by this online pimping. As Mayor McGinn said, and one very astute detective in the city told me, the online advertising of youth for sexual exploitation is like an accelerant; if we liken the work of rescuing youth and prosecuting pimps and their exploiters as a fire, allowing for the advertising of youth on the Internet for the pleasure of others is like adding fuel to the fire – it becomes too much, and near impossible to rescue these children. By creating a minimum standard for any online group to follow, that which requires a valid proof of age before certain items are advertised, I feel that we, as a society and a profession, and as a responsible group, will be taking another step to helping these exploited youth that we deal with every day. Thank you.

Sen. Adam Kline: Thank you, uh, Lt. Pugil, just for the record, uh, the microphone doesn't know who you are – we do, but it doesn't so if you could -

Jim Pugil, Asst. Chief SPD: - Oh, I'm sorry. I'm Jim Pugil, Assistant Chief, Seattle Police Department, Criminal Investigations.

Sen. Adam Kline: Thank you. And Port Member Tarleton?

Gael Tarleton, Commissioner Port of Seattle: Thank you Mr. Chair. I am Gael Tarleton, Port of Seattle Commission President and on behalf of my fellow commissioners I wish to thank you, Mr. Chair, all of the members of the committee, Senator Kohl-Welles for inviting the Port to be present today. I appreciate the chance to appear before your committee again and I wanted to take the opportunity to talk to you about what the Port of Seattle has been initiating over the last year since we were here the last time. The efforts of the State legislators, both past and present, and I have been extraordinarily committed to Representative Veloria's vision of making this state not just a leader but a believer in the fact that we will combat human trafficking and we will protect our people. So she and all of you have really helped to mobilize me and my colleagues and other local elected officials, the Mayor and my colleagues on the City Council, the County Council, to really pay attention to what we can do at each of our agencies. I wanted to share with you some of the next steps that the Port of Seattle will be taking to combat trafficking and to hopefully help you as you pass these 10 bills, which we would absolutely support, to help you get the word out about what we are trying to accomplish here. In the coming months the Port of Seattle will begin a training program for Port employees as well as for all those who work at our facilities, particularly at

the airport, so that they are better equipped to recognize the signs of human trafficking and to alert appropriate authorities. We will also begin to use the public address system at SeaTac Airport to help guide people to support services. We will also begin a campaign to educate the traveling public about human trafficking so that the 30 million plus passengers who come through the airport each year can become our partners in this state in preventing the exploitation of people who have the right to pass safely through our Port. All that we do in the coming year is just one more building block towards a very different 21st century future where the Port of Seattle will still be the place where the world comes to us and we go out to the world, but where our Ports stay open and our people stay safe. Let's all do our part and I want to thank you again for your efforts to protect the health and safety of all of our citizens. Thank you very much.

Sen. Adam Kline:

Thank you. Before you leave, Commissioner Tarleton, I have a question about, without revealing any kind of police plans, Port of Seattle's interim plans, what legal ability does the Port have to detain somebody who may raise suspicions, the combination of people coming in on a flight or leaving on a flight may raise suspicions but what likelihood is there of probable cause that would allow the Port to detain anybody?

Gael Tarleton, Commissioner Port of Seattle:

The Port of Seattle Police Department work in cooperation with the Customs and Border Protection and the Immigration and Customs Officials at the airport and it is a federal, state and local coalition that work together to insure that all federal laws are adhered to inside the airport, and that's how we do it.

Sen. Adam Kline:

Good. Glad to hear it. Thank you. Thank you all.

Gael Tarleton, Commissioner Port of Seattle:

Thank you.

Sen. Adam Kline:

Um, former Representative Linda Smith and Reverend John Vaughn of Groundswell who has come all the way from New York City to testify. And welcome to you both. Representative Smith, you know you are on familiar turf around here.

Linda Smith:

Thank you Mr. Chair. And it doesn't feel like that long ago in some ways and it seems like a different world in others. Um, first I would like to ask if I could submit my written comments to the record and summarize them with the permission of the Chair.

Sen. Adam
Kline:

Linda Smith: Go ahead.

First, I'd like to thank you. This is an issue that I'm actually really proud of you. We have legislators all over the nation dealing with the first steps of this as we monitor all the bills coming forward from my legal staff in Washington D.C. and Shared Hope International sees another raft of bills which we're comfortable with all of them. And we are proud of some of them. We are particularly interested in 6251 because, again, it makes Washington State a leadership state. It says that we're not going to be cowards. We're not going to be afraid of taking on a tough issue. We've already taken on the issue of buyers, sellers, and those that would think that they can victimize children in our state in a raft of bills and we have one of the strongest state law systems now in the nation. Shared Hope about two years ago started establishing a template of law, simply 40 points of law that we evaluate now with a raft of other groups and in the grading system that was released in December of this year, we evaluated every state and Washington State's law was in the top four in the nation. That is amazing because there are states that started before us and a lot of the domestic minor sex trafficking work like Texas that had whole committees fulltime practically working on this. The one thing though that we addressed that was probably different than a lot of analysis is we analyzed the issue of facilitators and we actually grade in this template, and you can see it in this report. I can make that available to all of you. You can see that we address it and we don't address, necessarily, online facilitators as the bill before you today does but it is assumed that anybody that is going to facilitate the sale of children should be regulated in some way and should come under criminal liability. Now we know that we're up against something right now nationally with Back Page that simply says we're going to hide behind the Federal Communications Decency Act. Now when you look at the word "decency", I'm going to give you a brief story and you tell me whether this is okay. We have a local girl here, she's 13, she's a real case, she's one of my cases, once I got her and she was moved two times and I had \$80,000 in medical bills for her. We finally got her complete story. At 13 she was stalked at Starbucks locally here. She ended up out of a Portland market. She was sold, marketed from there to Phoenix, Las Vegas and Maryland. Now, what backpage.com would tell you is we're protected. We can hide behind the Federal Communications Decency Act. What I would challenge you to do is find every way, as I see you are doing, to take that on and say at the state level, they are facilitators. Why is it any different than setting up a mall, like at SouthCenter, putting kids in it for sale. Why is it any different to just move that into the sky? So, again, I would really like to commend you, thank you and tell you that we have a national coalition of groups that involve the clergy like is by me today, organizations, and we are taking a look at this layer by layer and we will be continuing to keep the pressure on online facilitators and we'll be reminding all of these other states about you,

Washington State, and say watch what they're doing. They're a good state to follow. Thank you.

Sen. Adam Kline:

Thank you. Representative Smith, just a quick question. You mentioned 6251, Senator Kohl-Welles' bill on advertising regarding advertisements that may result in the sexual abuse of a minor. You will note from previous conversations that we have a little problem here. We want to get to this particular trade and stop it without stepping on the toes of the newspaper industry and its legitimate interests, our legitimate interest as a public in free speech, and there is a tension here that we are trying to resolve. You are aware of that and we are going to see if we can come out with a product that will survive the inevitable litigation and get the job done without retarding anybody's freedom of speech.

Gael Tarleton, Commissioner Port of Seattle:

Senator, if anybody can do it, listening to your determination, I believe you can lead that with your colleagues. And I commend you. I do not minimize the challenge that you have and, but do very much appreciate. We are here sitting before a committee because of a leader that has said I am going to try to take it on. So thank you.

Sen. Adam Kline:

Thank you. Reverend Vaughn.

Rev. John Vaughn:

Good afternoon. My name is Reverend John Vaughn. I am the Executive Vice President at Auburn Seminary in New York City. It's an honor to be here in Washington State to discuss the issue of child sex trafficking and what we can do as a society to end this heinous practice. I'm especially grateful to and to Congresswoman Linda Smith for their leadership on this issue. In my reflections on the issue of child sex trafficking as a clergyperson, I'm reminded of the words of Jesus found in the Gospel of Matthew, Chapter 19, verse 14. "Let the children come to me. Do not hinder them for the kingdom of Heaven belongs to such as these." Friends, colleagues and assembled guests, there is a moral, spiritual and religious crisis in America. When a 13 year old girl can be picked up on the street by a pimp and within 24 hours be posted on Backpage and sold 5 to 9 times a day, something is wrong. When 15 and 16 year olds in Memphis are lured under the pretext of going to a waterpark, but instead are sold for sex by pimps who placed ads on Backpage.com, something is wrong. When a mentally handicapped high school student in Kent, Washington was tricked into being sold for sex because she thought she would receive a Thanksgiving meal, you don't need a clergy collar to know that something is just plain wrong. I know that you've heard from the 51 Attorney Generals especially Attorney General McKenna, mayors including Mayor McGinn, advocates for the victims of sex trafficking, we are coming at this from a different perspective. Not as lawyers or legislators, not as NGO leaders but as moral and religious leaders who have a calling and responsibility to

protect our children. Groundswell is a multi-faith social action initiative based in Auburn seminary and our coalition is broad based representing Christians, Muslims, Jews, Humanists, Buddhists, and Seekers. For us this is a moral imperative. For me, as a Christian, my commitment has a Biblical basis. We are meant to care for the most vulnerable and protect human dignity. And now, more than 500 clergy and 80,000 Americans have joined our effort in asking Village Voice Media to shut down the adult section of Backpage.com. We believe that Village Voice Media website Backpage.com is a prominent hub for sex trafficking activity, though not the only one. It is true that Village Voice Media has invested in safeguards to try to stop children and teens from being trafficked on its site but the bottom line is that underage girls are still being trafficked by pimps on this site. We also know that this issue is going to take more than just a single website doing the right thing but also a groundswell of support from businesses, nonprofits, government, religious communities to protect our kids. We also acknowledge that trafficking remains a problem on other sites other than Village Voice Media's Backpage.com. But at its core, we question the morality of continuing to operate a section of a classifieds website where the cost of doing business is providing an infrastructure for people who are involved in buying and selling of sex, minors for sex. We believe that a single child sold for sex anywhere under any circumstance is one too many. And making money off of that practice for us is wrong. I am here today after flying across the country to testify at this critical hearing because I think this legislation before you provides an important opportunity to help protect children from child sex trafficking. It will not be the end of the fight but it will be an important step in the right direction. You have been a leader on this legislation for years. You have the opportunity to continue to be a leader today. Let me close with a few sentences from the columnist that you heard Mayor McGinn refer to Nicholas Kristof. It was a column that he ran yesterday in the New York Times and talks about a 13 year old girl that was called Baby Face because of her looks who was picked up and sold repeatedly via Village Voice's Backpage.com. She finally escaped by running away and pounding on the door of a random stranger in Brooklyn. And here is what Mr. Kristof had to say. "When Baby Face ran away from her pimp and desperately knocked on the apartment door in Brooklyn, she was also in effect pounding on the door of executive suites of Backpage and Village Voice Media. Those executives should listen to her pleas." If Mr. Kristof would allow a bit of pastoral creativity here, I think Baby Face is also knocking on the door of my church and on Auburn Seminary but she is also knocking loudly at the doors here too in Washington State. Thank you very much.

Sen. Adam
Kline:

Thank you. I appreciate your coming across country and you are right. We've got a ways to go here. Um, I'd like to call the next witness. King County Deputy Prosecutor Sean O'Donnell, Andy Connor from the SeaTac police, and Deputy King County Sheriff, and Brian Taylor, King County

Sheriff Detective. Who would like to start?

Pros. Sean O'Donnell: I can go first Senator Kline.

Sen. Adam Kline: Go right ahead.

Pros. Sean O'Donnell: Senator Kline. Thanks for having us here. My name is Sean O'Donnell. I'm a Senior Deputy Prosecuting Attorney with King County. I want to thank Chief Pugil for those very nice words he said about me earlier. I think perhaps to put my testimony in context I should share with you two cases that I handled earlier this year. The first was involving a pimp named Barudy Hobson. He had a victim who was a 15 year old girl. He posted her on Backpage. He beat her, he choked her, he had sex with her regularly, and he would take her from payphone booth to payphone booth across King County so she could intermittently call her mother and father who were desperately looking for her. And you will hear from her mother today who is at this hearing. Mr. Hobson posted this young woman, this girl, online for about five months, sometimes three or four ads a day. And during that time, one of the predators who was going online to find her was another man I prosecuted this past year named Julian Tarver. Mr. Tarver pretended to be a police officer when his victims would arrive. He would handcuff them and he would tell them that in order for them to be released that they had to have sex with him. Both Mr. Hobson and Mr. Tarver were found guilty. Mr. Tarver awaits sentencing. The common factor though was their ability to (a) sell this young woman online and (b) find her online. You have a number of bills that the Committee are considering. I want to talk about two of them. The first is Senate Bill 6255 and that's the bill with respect to vacating sentences for girls or young women who have a conviction for prostitution when, in fact, they are the victims of being trafficked. I want to say this is a commendable bill, at least from the prosecutor's perspective. Oftentimes we will have these young people in a situation where not only are they victimized by their pimp, as this young woman was that I just referenced, they are victimized by the john and then they end up getting charged with a crime. And so, think about if you're 15 years old. The weight of the world really is on your shoulders in those situations. And this gives them a path out. It gives them a path to keep their record clean and I commend this Committee for considering that. The second bill I want to address is Senate Bill 6251, that is the advertising bill. Senator Kline, you mentioned the First Amendment in your concerns about this legislation and perhaps I could give you a little context as you consider this bill, as your Committee considers this bill. Our state already regulates a variety of things with respect to advertising. I actually did a little research on that. We – Washington regulates how you advertise apples, attorneys, eggs, elections,

food, drugs and cosmetics. These are things that you do all the time. We saw the slideshow from Senator Kohl-Welles with respect to samples of Backpage advertising and they are what you see. These are online brothels and the fact that this Committee would consider regulating how those – how they advertise in this state, at least from my perspective, is entirely appropriate. One other thing on the First Amendment, as you know, you have different levels of speech. You have political speech, you have commercial speech, and then you have speech that's not legal. That doesn't get any protection from the First Amendment and so I hope you keep that in mind as you consider this legislation. Thank you very much Senator.

Sen. Adam Kline: Thank you.

Woman: Mr. Chair?

Sen. Adam Kline: So you'll know before we get into questioning, we're searching for a way to do this and I know you've been putting some ideas together. I've seen a few. We've had a few from other members of the private bar. No doubt staff will get involved. We are going to try to find a way to get there. At some point we've got to make a judgment call and quite frankly it lies in this Legislature with the Chairs of the Committees. Do we have a product that we can reasonably believe, we'll never know until the litigation comes, and we know it's going to be litigated, but do we reasonably believe it will survive. In this case we are talking about freedom of speech not some technicality here.

Man: Right. Oh. I'm sorry.

Sen. Adam Kline: Each Committee Chair might suggest oh well, let's throw it out there and let the courts decide. I think that's irresponsible. We're a branch of government that has to make its own decisions and has to stay within the Constitution. Allowing the courts to do this alone, I think, is not our living up to our responsibility. But we will find the best possible way to get there and certainly appreciate your cooperation.

Man: Thank you sir.

Sen. Adam Kline: Thank you.

Woman: Mr. Chair?

Sen. Adam
Kline: Officer. I feel well protected here. With all these officers.

Brian Taylor: Thank you Mr. Chair. My name is Brian Taylor. I'm an investigator with the King County Sheriff's Office and I'm also a part of the Innocence Lost Task Force. I want to commend you and I'm proud to be a representative in the State of Washington here today because you guys are, as everybody says, leading the fight okay, and you've given us the tools that we need to fight this fight. What I've found over the years, working with my colleague here, is street prostitution is just the tip of the iceberg, okay? Everything by the tools you're giving us, our investigative efforts, our convictions, everything is being driven underground. So the logical step here is we've got to start going after facilitators. Like the Chief from Seattle brought up, we can't keep up, okay? We've got to have some kind of verification because these young ladies, a lot of times they're just – with the advent of the smart phones, they just pick their phone and they've got an ad posted within minutes, okay? And I also have found that because of our enforcement efforts, when these pimps get their hands on these young girls and they don't have that trust level yet, they're not putting them out on the streets. They're secreting them in hotel rooms and they're advertising them on Backpage. So, I'll keep my comments brief but it's one more tool in the toolbox. I know you have a lot of work to get all this legal stuff worked out but we need this. Thank you.

Sen. Adam
Kline: Thanks. I know Senator Kohl-Welles had a question. I believe that Sean it might be directed to you.

Sen. Jeanne
Kohl-Welles: For Sean, yes. Thank you, Mr. Chair. And I really appreciate what the Chair and what you have said Sean and with the Federal Communications Decency Act we have to be concerned about even a chilling effect on commercial free speech which I do not want to do. I'm a civil libertarian myself. However, what we've done in this bill, and I would like to get your input on is to give a defense to anyone who places the ad or for the publisher that the defendant may be able to prove by the preponderance of the evidence that at the time the defendant made a reasonable effort to determine the age and that would include having, in person age verification. So working very hard on this with you with many others, I'm hopeful that this will be able to pass muster. What are your thoughts on that?

Pros. Sean
O'Donnell: Thank you Senator. You know, one thing, if you follow the logic of what some of the online folks are saying in terms of their immunity from an ad like this. Under that logic, they could post 10 year olds under the exotic ads section and say well, you know, this is free speech. The challenge in making sure this statute lines up with the Communications Decency Act is, and your staff is working on this and I know the Committee members are, is making

sure that we are consistent with similar federal laws. And I think this is a good start.

Sen. Jeanne
Kohl-Welles:

Sen. Adam
Kline:

Andy Connor:

Yes, thank you. My name is Andy Connor. I'm a Deputy Sheriff of the King County Sheriff's Office. I currently work in the contract city of SeaTac and I've been working with my partner here for over 10 years and would like to address first 6251. Like he has stated before, just the tip of the iceberg theory. We deal a lot with the street prostitution of Pacific Highway from Snohomish to Pierce County. It is prevalent. It has been there and there's a lot of history behind that in regards to that. But with the way the internet and technology is continually progressing, they are finding more and more ways to promote this prostitution, specifically the sex abuse of a minor. And we have found it extremely difficult in law enforcement with the budget the way it is these days, we're getting cut, our budgets are getting cut continually every year and though we can semi go after enforcing prostitution on the street level, on the internet it has a lot of cost, a lot of manpower and we were down here last week testifying on representing Tina Orwell's Bill 2323 which would help us get funds back into those programs through the arrest of the johns. What I found a few years ago when we were doing an online sting when Craigslist had all the heat going on them and it was a national deal, when I was putting together the sting, pulling these ads up I found this new small website called Backpage.com. It only had a few ads on it at the time. As everybody knows, it's dwarfed Craigslist since then and if this Legislation needs to go through, and I know there's a lot of problems with it and a lot of dicey things going on but there will just be another site to replace Backpage and another one and another one unless there is actual laws to protect these young girls for all internets advertising. And like my partner said, it helps us, it's another tool in our belt, to enforce this and a lot of these girls that have gone through these types of horrific, horrific, and we deal with these girls, we see and hear these stories on a daily basis. We're with them on the street at 2:00 in the morning and frankly, and this is not every case but a lot of cases, they have no place to go after that. Their lives are in such disarray and such fragmentation and so destroyed and from where we take them, we have no place to take them. My partners and I and some other nonprofit people have formed a group called the Genesis project to help the rehabilitation of these young girls from a complete comprehensive aid is the approach and we don't want to see these girls hurt just like nobody else does. We just need more help from legislation, more tools in our belt and that

would at least be a good start. Thank you.

Sen. Adam Kline: Thank you. And by the way, I understand that quite a few of your colleagues in SeaTac and perhaps some of the county deputies, as well, have funded that program almost entirely out of your own voluntary donations.

Andy Connor: Yeah. It is completely voluntary. All private. As a matter of fact, we have a small army but nobody has been paid a cent on it, including ourselves. We are trying to get funding for that as well cause when you look into the scope and the depth of some of these girls, the destructive nature of what they've gone through, there is no Band-Aid fix for these girls. If we just take them out of one situation and say, oh go on and prosper from here, they're just going to end up, another pimp's going to stalk them, they're going to end up right back where they started. So we realize they need something much, much more. So after 10 years plus of seeing the devastation, enough is enough so we decided to start it on our own.

Sen. Adam Kline: Appreciate your doing that. I know given this tight budget we don't have the funds to be able to give even, we may squeeze them out but the fact is that in this budget we are looking for funds and in so many other respects, we're having to fight an attitude out there that tax money is all wasted somehow. It doesn't do anything real. What you are doing is putting your own dollars on something that does something very real and we appreciate it.

Andy Connor: Yes. Thank you and just one more comment. 6255, the vacating. I think that's an excellent, excellent tool as well. I've interviewed girls that have been forced into prostitution at age 14, recruited, tried to get their lives back on line and because of their criminal records they have attained basically through either hauling dope for their pimp or getting these charges on them, this particular girl told me she could only do a call center job and that was it. We did a sting with the FBI and the ILTF and she was out, got caught up in our sting and the reason was she said I don't have -- my criminal record on my record is so bad I can't get a good job. I can't provide for my child and this was the only resource so I can come back and start this again. So the vacating I think is essential to get these girls cleaned up when they had no reason to know what they were doing at the time. And these pimps know. They distance themselves and they'll pin everything on that girl to keep themselves away and now they're soiled for the rest of their life.

Sen. Adam Kline: But this young girl had obviously more than one conviction. Aren't we going to have to look at some point being able to vacate more than one?

Andy Connor: I think so, yes. When they get stuck in this lifestyle for any amount of time they are going to get stacked up charges on them.

Sen. Adam Kline: Got you. Okay. Thank you. Appreciate your all coming down. Okay, the next panel, um, two people, Leslie Briner from Youth Care, a service provider, and Nicole Svengar, the mother of the young lady who was victimized by Backpage.

Man: Senator I hope it's okay.

Sen. Adam Kline: Oh, it's fine.

Nicole Svengar: I've asked Sean O'Donnell to sit with me.

Sen. Adam Kline: Moral support. It's alright.

Woman: Her wing people

Sen. Adam Kline: Who'd like to start?

Nicole Svengar: First, I'd like to thank the Committee for taking up this issue. Jeanne Kohl-Welles has been incredible to work with for Senate Bill.

Sen. Adam Kline: Could you identify yourself for the microphone? We know who you are but it doesn't.

Nicole Svengar: My name is Nicole Svengar and I am the mother of a juvenile victim that was exploited on Backpage.com. Again, I agree with all 10 of these bills. As a mother, Sean O'Donnell alluded to my case. I have a daughter that was convicted on prostitution charges at the age of 15. I have a pimp, in this case it was under the new enhancement to 26 and one-half years and I have a john that bought my daughter and will be sentenced next week. Here we are a year and one-half later, my daughter continues to need counseling, my entire family has been victimized by the only person not convicted in this case as a facilitator. On either side of me I have the prosecutor that prosecuted both of those cases and on the other side of me I have Leslie Briner who works for Youth Care and has helped to rehabilitate my family. She provided services like the Bridge Program where my daughter went and stayed for a few months. I did hear you say about the First Amendment and I'm asking whose voice are we protecting? Are we protecting the abuser? Are we protecting the buyer? Are you protecting the website that makes millions? These girls need a voice and I'm asking that you be their voice. When my

daughter's pimp was convicted I swore that I would do everything that I could to make sure that this didn't happen to another child or another family. I looked to the State of Washington. You guys have made great first steps and I ask that you take the bold second step to tell these facilitators that not in our backyard. We don't sell children in the State of Washington. We don't sanitize prostitution by making it available on a website. We need the protection for our children that only legislation that is bold and forward-looking is going to bring to this. The heroes are, you know, when you do this, you're the hero. You are the person that makes it possible that we can go on tomorrow and my daughter can continue to heal. My family can continue to heal. It takes prosecutors like Sean O'Donnell. It takes the vice detective like you just heard from and it takes the people that put these families back together when they're done. At one point we had five people working with my family. They want to say that prostitution is a victimless crime and these are juvenile children we are talking about and she was victimized. She was threatened. She was hurt and she was made to be sold on a website for 108 days with no one worried about her except for her father and I at home. I have a picture here and I ask that the cameras don't show it that I would like to pass to the Committee. This is a photo of my daughter. This is – that we passed out all throughout King County and Pierce County in our search for our daughter. And you can look at that photo and see that she does not look 18 and yet she was able to be sold and traded on not just Backpage.com, although they are the big ones this day, but there are others out there that these laws would apply to and Sean has a photo that I will ask that he will give to you later again that the cameras don't see it.

Sen. Adam
Kline:

Thank you Ms. Svengar.

Leslie Briner:

Good afternoon. My name is Leslie Briner. I'm the Associate Director of Residential Services at Youth Care. I have the tremendous privilege to have designed and implement the Bridge Program for sexually exploited youth since 2010. We provide a comprehensive continuum of care, including community based case management to emergency shelter beds, nine long-term residential recovery beds, community education, as well as the first of its kind publicly funded school for sexually exploited youth and partnership with Seattle Public Schools Inner Agency Academy. I'm here today not only to support Mrs. Svengar but also to strongly encourage the passage of all of these pieces of legislation. And I think as people have so eloquently stated today, the need for each of the individual pieces of legislation. But I'd like to say something a little bit more broadly than that. From my perspective, both in the trenches on this issue for over seven years in two different states and from a larger kind of policy analysis, each of these different bills to me represents a cord that picks up, ties together or strengthens one area or another that needs to be addressed in our legislation. But I think the forward vision of this really needs to be what is the mechanism that is going to take

these cords and wind them back into the safety net that is needed to protect children across the State of Washington from commercial sexual exploitation and all of the various roles and capacities that they are identified, recruited, exploited and perpetrated. This is a very recent field but there are in fact models nationwide -- models that have been documented and analyzed by local experts such as Dr. Deborah Bower in concert with the Center for Children and Youth Justice. And we really need to start looking at what the model legislation and framework for the entire state is going to be, as well as a statewide provision of services because it really takes both sides of that. I've been in the service provision side of this for a number of years and what I know is that without the support of the Legislature and a comprehensive victim-centered approach we will just continue to fight an uphill battle and without the service provider side of things that youth will not get the services that they need to be whole, be reintegrated with their families and be treated like the survivors of a terrible crime that they are. And we would really ask that we consider what a victim-centered approach broadly and from a model framework looks like in the State of Washington and that the laws that are intended to protect children, protect all children unconditionally. And I thank you so much for your time and your effort on this issue and for the bi-partisan approach. It is really remarkable. So thank you.

Sen. Adam Kline:

Thank you. I appreciate your coming forward. Um, our last panel before we open it up to people who signed in in general, is one person who has had a key role in starting this legislative campaign and that is former President Velma Veloria. Emma Katagay. I hope I have the pronunciation correct – from the Asian Pacific Islander Women's Safety Center, service provider and Megan McClusky, UW anti-trafficking task force.

Velma Veloria:

Thank you, Mr. Chair and members of the Committee. We are

Sen. Adam Kline:

Velma, welcome back. You know you are also on familiar territory here.

Velma Veloria:

I am? Oh.

Sen. Adam Kline:

In the Senate. We've seen you a lot here.

Velma Veloria:

Yes. Thank you for holding this hearing. My name is Velma Veloria. I am a co-chair of the University of Washington Women's Task Force on Human Trafficking. I'm really proud to see the movement against human trafficking in our state blossom and grow and get stronger so I wanted to tell also Congressman Linda Smith that I wanted to thank her for her work on the international and the national level. I'm here to support Senator Jeanne

Cole-Welles' House Senate Bill 6251 and I wanted to remind her that she has already put up a bill previously on the issue of the mail order brides that is similar to something that you wanted to do here. We think that Senate Bill 6251 does an excellent job at targeting the commercial activity that allows for ongoing exploitation of women and girls in particular but I also wanted to challenge the Committee and the whole Legislature to take the issue broadly and take a look at the possible root causes of human trafficking. I ask you please to take a look at the impacts of international trade agreements. The impacts that international trade agreements has had not only on the workers of the world but on our own economy. I also ask you to begin to take a look at developing fair immigration and migration laws. And finally, a lot of the human trafficking for me are human rights issues. I ask you please to strengthen our human rights commitment. Thank you.

Sen. Adam
Kline:

Thank you. Ms. McClusky you're next.

Megan
McClusky:

Thank you. I am Megan McClusky and I'm an attorney in Seattle. I'm also privileged to be a co-chair of the Women's Center at the University of Washington Task Force on Human Trafficking with Representative Veloria and with Dr. Sutapa Basu and to serve also with Senator Kohl-Welles on the task force. I'll be very brief. I'm here to support Senator Kohl-Welles' bill 6251 and I'm also very happy to support 6255 as well. One of the things that we've discussed many times as a task force is steps that we can take to empower the victims, the women and young men who are victimized by this kind of sexual exploitation. And to the extent that 6251 under 9.68 RCW 9.68 allows for civil suits by the victims and their ability to recover their costs I think it is a very important step to place the power of punishment in their own hands. And I would encourage the Committee to consider other ways in future legislation to do the same thing. Thank you.

Sen. Adam
Kline:

Ms. Katagay.

Emma Katagay:

My name is Emma Katagay and I'm a direct service provider. I work for Asian and Pacific Islander Women Family Safety Center and we've been working in the area of domestic violence, sexual assault and human trafficking. And as a direct service provider a victim advocate what I would like to say is that I support also the Senate Bill of Senator Jeanne Cole-Welles 6251 and I think the only thing that I will say is as a provider is, you know, I feel also that we should look at the vulnerable population and I know this is geared to the minor but also people in like limited English speaking or non-English speaking and also in the disabled. I feel like sometimes you know if you are coming from a foreign country and for you to get here they probably make your age older when in fact you might be a minor and

because you don't speak their language you will not understand what's going on. And I think for us it is like we need to make sure and I know that we are talking about the ID, most of the foreign national, they are undocumented or they have fake ID that might not really show what their real age that they have. And so for me it is like, and they don't have the right to speak up. And we see this in our own because I provide direct service. We see this every day in our services that we provide. I also would like to, we also appreciate all this legislation, all the legislation is really good but I also would like, we also appreciate that if the provider could be consulted for the input because we work with them daily and we know. The victim, they cannot give their voice out for some reason confidentiality and also the danger but we are their voice and for me I think as we said if we want to focus on the victim service center then we need to make sure that the voice of the victim is equal and incorporate to all the things that we do. I just want to say that we really do appreciate the Senator Kohl-Welles because all the legislation that she has had she always ask to us for direct service provider. We set up. We talk about it and we analyze it and see how is this legislation is benefitted our victims or is it going to be harmful to them in any way. Thank you.

Sen. Adam Kline:

Thank you. One of the virtues of our state law, in fact it's in our State Constitution, is the victim has a right, by Constitution, to be present at every stage of the proceedings and to be heard. And I can only just begin to imagine the therapeutic value that that would have to these victims to be there, to have a say, to speak directly to the judge, for example, at the time of sentencing. There is a certain empowerment in that and I'm proud to know that our state actively encourages that. So let's see what we can do. We have some additional witnesses who've signed up. Among them, Chris Johnson, Representative of our State Attorney General, Rob McKenna. Sister Susan, I want to say that I have the pronunciation correct, "Francois?" Okay. And we're again not going to be able to get to everybody who has signed up to testify but let's see if we can get a start.

Chris Johnson:

Chairman Kline, members of the Committee. For the record, Chris Johnson, Policy Director in the Office of the Attorney General. I'll be brief. First, I just want to thank Senator Kohl-Welles for all the work that she's put into developing this piece of legislation, including the proposed substitute. As far as our office is concerned, until there is a change in federal law, it may be up to the states to attempt to develop appropriate remedies under their respective criminal codes and this is a good start. I do want to point out one, perhaps drafting issue, in the proposed sub in Section 2, sub 1, it would appear under the current wording as though both.

Sen. Adam Kline:

Which number bill?

Chris Johnson: I'm sorry. 6251.

Sen. Adam
Kline: Okay.

Chris Johnson: So new Section 2, sub 1, beginning with a person, corporation, limited liability company. My immediate reading of this is that the way it's drafted is that the entity would have to both post the advertisement and the active abuse would have to occur in order for the charges to be filed and I may be wrong in my interpretation but we would advise that whether or not the abuse actually occurs, that it's appropriate to charge the offense of advertising promoting commercial sexual abuse of a minor.

Sen. Adam
Kline: We've been round and round about that. What we're trying to do is find, how do I say this, a bomb-proof way to do it. Where there is an act that occurred we probably would have to show some knowledge, to be blunt, the John would have had to be advised of the availability of that victim by having read the newspaper, not having read the newspaper but having seen the ad. We may, I don't know this and I'm not the expert here, but we may have to – the prosecution may have to show a causation between the ad and the act. If we can show that, I think we're in a bomb-proof situation. And I recognize just the way the criminal law allows prosecution for an attempt, you don't have to complete the crime in order to be guilty of it, particularly arson. We don't wait for the match to hit the house. But it simply puts the prosecution on a better footing. If there is another way to do this, we're all ears.

Chris Johnson: Well, I just wanted to point that out. We want to see this bill be as strong as possible and as effective as possible as a tool for law enforcement. So again, thank you Senator Kohl-Welles for bringing this forward.

Sen. Adam
Kline: And again, Chris, if we can't do it, we can't do it. If we can't do it constitutionally, we won't do it. But this will be a bi-partisan effort to find a way believe me. Sister.

Sister Susan
Francios: Thank you. My name is Sister Susan Francois. I am a Sister at St. Joseph of Peace and the Anti-trafficking Coordinator at the Intercommunity Peace and Justice Center, which is a long name so we say IPJC. I will leave the moral and religious arguments to the great Reverend from New York who said everything I would have said about that. I would like to focus on demand. We have heard from prosecutors, we have heard from service providers. At IPJC, we focus on stopping the demand for the cycle of trafficking because otherwise we will continue to have traffickers. We will continue to have victims. At least four of the bills before you, and I did submit written testimony so I won't go over all of it, but at least four of them, 6260, 6251, 6253 and 6275 directly impact demand, the ability to stop the demand for sex

trafficking. We're all against slavery and sex trafficking. But when we look at prostitution we have to recognize that while that may not always fall under the definition of sex trafficking, it's a muddy mix with unclear lines and we can't really separate the one from the other. So if we as a state are committed to stopping the sex trafficking of children, we need to at least decrease the demand for commercial sexual exploitation. 6260, in particular, takes a bold step I think in increasing the fines to buyers of sex. And what I would like to point out to you, on the back of my testimony I'm referencing a report from the Chicago Alliance against Sexual Exploitation from 2008. There is a web link to that. You can read the whole report. But they interviewed men who buy sex to see what's at play here. If we want to stop the demand, we have to talk to who the buyers are of sex. And I'd just like to read three quotes to you. These are actual quotes from buyers of sex. "Prostitutes are like a product. Like cereal. You go to the grocery, pick the brand you want and pay for it. It's business." Another quote. "The pimp treats the prostitute like trash. They may not be admitting that they know they are being forced into this but their very words say that they are." And then when asked what would it take to end prostitution, a buyer of sex said "if there were no customers there would be no prostitution." And then lastly, which goes directly to the four bills that I referenced, what would deter you from buying sex? Number one, which we don't have a lot here for is to get their photo and name in the local paper. 87% said that would stop them. But 83% said jail time. 68% said a fine over \$1,000 which is what the bill before you does today. 75% said criminal penalties in general. 70% said having their car impounded. And the civil forfeiture law before you, I think only applies to traffickers but you might want to consider having that apply to buyers of sex at some point as well. And having a letter sent to their family if they've been prosecuted and found guilty of this is also something that they have pointed to as something that would stop this. So I would just like to commend you because by putting demand on the table as you have today, we have jumped 5, 10 years ahead on the fight against human trafficking in this state. And it will take bold action and risks on your behalf. So thank you.

Sen. Adam Kline:

Thank you and I think since we have a few minutes left, we have one more panel, Ms. Gunderson and Ms. Harper but I think that now that we know that we have time here, and I'm sure members may have some questions, I will open it up to questions if anybody has any of the Sister or Chris. I'm surprising them. I catching them flatfooted. Normally they have lots of questions.

Sen. Jeanne Kohl-Welles:

Mr. Chair? Could I just ask a question of Chris Johnson?

Sen. Adam
Kline:

Sure.

Sen. Jeanne
Kohl-Welles:

Thank you. Chris, I really appreciate your testimony and also again, for all the work that the Attorney General has done over many years, not just this year. Just a question on Section 2, subsection 1, you mentioned.

Johnson:

Correct.

Sen. Jeanne
Kohl-Welles:

Are you suggesting that we change the word “and” on line 4 to “or” or what?

Johnson:

That’s my plain language recommendation.

Sen. Jeanne
Kohl-Welles:

Okay. Thank you.

Chris Johnson:

I might also add while I’m here so I don’t have to come back up again that 6252 and 6253, the two bills relating both to forfeiture and criminal conspiracies, I’d recommend inserting “promoting commercial sexual abuse of a minor” in addition to “sexual abuse of a minor” so that we’re going after the traffickers themselves rather than just the customers.

Sen. Adam
Kline:

My guess is that if anything it should be the other way around. If we’re going to do forfeiture, it’s the promoter. There is a train of thought that we do too much in the way for forfeiture already. We limit it to drugs currently. If we make it a general everyday garden variety thing we’re actually creating a double jeopardy question. I don’t think that the Supreme Court has resolved it yet. They said effectively you can forfeit even without a conviction on preponderance or you can convict but you can’t do both. I think if we jack up this to sufficient jail time, we’d rather convict. But at least let’s look at forfeiture as an alternative where there is property involved and that’s likely to be the trafficker. And I think that’s the more serious of the crimes anyway. Although we need to do something about reducing demand. I get that. But the criminal, the greater criminal, I think just from a gut sense of what constitutes criminality is the pimp. Okay, do we have any further questions? Hearing none let’s go to the next and last panel. Christine Harper and Rose Gunderson from Engage. Ms. Gunderson.

Rose Gunderson:

Thank you, Senator Kline and thank you all the senators for your bi-partisan support. Using Washington Engage research packet and drafted bills and drawing all the attention from all the leaders who have come to support this, Washington Engage does policy research to promote policy reform. We also

do committee organizing to support policy change and prevent human trafficking in each community. We are also launching a business initiative to end human trafficking within the business community. Here I want to, of course I support all of the bills. I want to speak specifically on a few of those bills. Two themes out of all these bills, one theme besides [inaudible] is that we want to make traffickers and exploiters pay for the social costs of their crime. That's why we are raising fines on all traffickers and buyers no matter the age of their victim. We are also going to ask for mandatory restitution which is federal law, available in federal law, we need to have that also for traffickers. Civil litigation is a way to assert justice for victims so that we can not only deter traffickers but the damage award will help support victim restoration. When it comes to that civil litigation I know actually that has been available under human trafficking since the human trafficking code was made available back in 2003 but nobody has used it yet, even though it does not require a conviction of the defendant. And I'm just asking that all the leaders here would really consider raising awareness on its availability so that we can help support victim restoration and deter human trafficking from happening here. I am also really want to speak on raising fines and the detail of it is something to pay attention to because right now buyers of sex or those who promote prostitution, there's an escape clause available to them so that it says the court may not suspend payment of all or part of the fee unless it finds that the person does not have the ability to pay. Basically they don't even have to show proof that they can't pay. They just say they cannot pay and they don't have to pay the fee. So it's important that we put a stop on that. If anybody wonders why raising the fine or how are we going to get that money if they really don't have money, I want you to think about another comparable, another law offense in Washington State. For a Washington resident who register a vehicle in another state it's a gross misdemeanor. A john is a misdemeanor. The penalty for registering a car out of the state is 365 days in county jail up to \$5,000 fine and the payment may not be suspended, deferred or reduced. I think we can do something about this. The fines with buyers of sex. I want to speak about the sexually explicit performance to add to a criminal code under human trafficking, promoting prostitution and commercial sexual abuse of minor. There is one here that, a story here I told Senator Roach. A friend who lived in Olympia told me her testimony. When I was 21 my husband told me we were going to his good friends. His friend took her to a room with photography filming equipment and then there was a prick in my arm and shortly I began to get dizzy. I slam on the floor and there was a mattress and a large dog. I was undressed and tied up. Something was smeared on me and then the dog was on me in a sexual manner. His friend filmed all that happen on me with the dog. Over the next three years this type of filming was to occur over and over again. Now this is trafficking even though it's pornography. When it's forced or under age it needs to be called, described as human trafficking or sex trafficking. So that's why this bill is introduced. On 6251, really we are not directly regulating the press. We are just criminalizing criminal activities

that the press may conduct under their business. So nobody is immune from criminal liability, including the press. What the defense is just making available to them, if they do what is reasonable under the circumstances, like requiring verification of age. So I don't believe there is a concern of that and the Communications Decency Act says in Section E.1 says that it has no effect on criminal law. So thank you.

Sen. Adam Kline:

Questions? I have my own and that is two things actually. One, you mention the bi-partisan nature of this. What the public is going to see is republicans and democrats voting for allowing civil litigation, something that some republicans have shied away from in the past, criminal prosecution in a much bigger way, something that some democrats have shied away from in the past. But I believe that the problem warrants both approaches. And I think both democrats and republicans understand that.

Gunderson:

I totally agree.

Sen. Adam Kline:

Second, I think you touched upon something that there is, in fact, a constitutional issue here. A newspaper is a business, yes. In its business aspects, it has no particular greater rights than any other business. But advertising is press. There is a commercial free speech doctrine of free speech. The First Amendment does apply to commerce, to advertisements. Advertisement of a knowingly illegal act, I don't think it has any rights. The question is, these are generally escort services which are legal themselves. The question really is does the advertiser have to inquire. It's an extra duty. My answer is yes. I don't know that that is going to be the court's answer and we have to craft this in a way that we feel, before it gets out, we feel it is likely to survive that scrutiny. And we don't know that.

Sen. Adam Kline:

[Inaudible].

Sen. Cheryl Pflug:

Thank you. Mr. Chair, I just a quick comment that as to the fines, clearly the nature of the transaction implies that the john has some money. Yes. You're right.

Sen. Adam Kline:

Ms. Harper. You're the last.

Christine Harper: Thank you Chair and members.

Sen. Adam Kline: For your patience.

Christine Harper: My name is Christine Harper. I am a sex trafficking victim survivor. And I am in support of all of these bills but I just want to really look at the big picture instead of the specifics. I believe this is a relational issue that victims become victims before they leave the house most of the time. We need more resources in place for family and I think restitution could not only take care of therapy in getting back to a sense of normal but it could also do more prevention in schools so children, we're not constantly getting the back end of it. The guys want young girls. Old girls are really of no use to pimps or to predators. The young girls is who they are aiming towards and really this is about protecting our children. I think that we need to hold more people accountable like these hotels. If there are stings going on there, we should be holding them more accountable in fines instead of making Backpage, making deals with Backpage and escort services that we call it for what it is. When there is a bust because of that, they should be held accountable. None of these girls want to be out there. It's not a choice. And I believe every pimp is behind every picture on Backpage and I'm willing to do whatever it is to help law enforcement to help any rehabilitation in any matter. Thank you.

Sen. Adam Kline: Thank you. I appreciate your candor and your courage coming forward. Questions? Senator Kohl-Welles.

Sen. Jeanne Kohl-Welles: Thank you Mr. Chair. For either of you, and perhaps we need some of our staff input here too. The Federal Communications Decency Act covers – prohibits that there be any suppression of commercial free speech. I understand that there is part of that though that deals with compelling interest on the part of states. We tried very carefully to craft this as best as possible to provide a compelling state interest, and as many of you and the two of you have testified to, we are really talking about children and not always all girls. I mean there are boys as well who are exploited. But when looking at whether we could just require in-person age verification what seemed to be the cases that would provide for a chilling effect on commercial free speech. I wonder if you have any thoughts on that and perhaps Katherine could provide us on the Committee with the federal statute so we can really all of us be able to see that. Thank you.

Rose Gunderson: If I may make one comment, the defense making available is a backhand way for you to – you are not really directly regulating them. So that's the difference. You are not suppressing free speech and I took cyberspace law carefully and studied CDA a lot and really they have immunity for civil liability for commercial speech. Not criminal liability. And also there have been cases that also impose some level of civil liability when the website has some material responsibility showing that they have something to do with it.

So it's not even for civil liability. It is not unlimited in court cases.

Sen. Jeanne Kohl-Welles: And we just have criminal liability.

Rose Gunderson: Right. So.

Sen. Jeanne Kohl-Welles: Thank you Rose.

Sen. Adam Kline: Thank you. Further questions? Thank you both. And to yourselves and to everybody who has come close or far away. I certainly appreciate your patience and your testimony and I can promise you that we will come out with a package of bills that will come as close as we can to ending this. I don't know that we can ever end sin but we can certainly try. Thank you and with that we are adjourned.

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TUESDAY, APR 3, 2012 05:05 PM PDT

Will ID checks stop Backpage and child sex trafficking?

A new law in Washington state aims to save kids from sex trafficking -- but may contain too many loopholes to work

BY TRACY CLARK-FLORY

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TOPICS: LOVE AND SEX, SEX TRAFFICKING



(Credit: iStockphoto/sjlocke)

A new law in Washington state is being heralded this week as the latest successful strike in the war against child sex traffickers. What isn't getting any coverage is what the law actually does and what it will mean in practice — as well as the question of how effective it will be in screening out child traffickers.

The New York Times described it as "a bill that would require sites within the state to obtain documentation that escorts advertised there are at least 18" — but it's a bit more complicated than that. (It's almost always more complicated than stated when it comes to sex trafficking.) The law makes it a Class C felony for anyone to advertise "commercial sexual abuse of a minor if he or she knowingly publishes, disseminates, or displays, or causes directly or indirectly, to be published, disseminated, or displayed, any advertisement for a commercial sex act, which is to take place in the state of Washington and that includes the depiction of a minor." That applies equally to pimps as it does to an online classified site like the controversial Backpage.com.

But the law does provide one defense: proof that "the defendant made a reasonable bona fide attempt" at verifying the age of "the minor depicted in the advertisement." Two of the bill's sponsors told me that this means in-person — as opposed to online — age verification via a government-issued ID. The law doesn't require Backpage to institute age verification — it just says, *Hey, if you want to cover your ass, do this.*

The "this" isn't so clearly defined, though: Backpage could institute in-person age verification for its adult section, but what if covert escort ads pop up in the personals? (That's what happened when Craigslist closed its "erotic services" section.) Might Backpage then need to institute a real-world age check for all personal ads, too? State Sen. Jeanne Kohl-Welles, D-Seattle, the main sponsor of the law, told me in an email, "As the new law doesn't specify escort services ads specifically, it would apply

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generally to ... all online and print ads that pertain to commercial sexual abuse of a minor." Remember, the law includes cases where someone "indirectly" allows such an ad to be published and includes "implicit," as opposed to explicit, offers of sex.

Basically, it's left up to prosecutorial discretion and the courts. Right now, Backpage is the most obvious target of the law, but it's interesting to consider how the law might apply to other online venues where "any advertisement or offer [for sex] in electronic or print media" can be published. What about Craigslist (which may no longer have an erotic services section, but still hosts covert sex ads), Twitter or even Facebook?

As you might imagine, Backpage does not want to institute in-person checks because it's antithetical to its business model. "The law relating to online commercial advertising is unfortunately practically unworkable in the Internet realm," says Liz McDougall, general counsel for Village Voice Media. Backpage as a whole is as popular as it is precisely because of the ease of access. It's also why it's so popular with traffickers — that's the double-edged sword of online classifieds.

Last August, Backpage claimed in a [detailed letter](#) to the Seattle mayor's office that there are online age verification services that would be more accurate than an in-person ID check, but the bill's sponsors disagree.

It isn't hard to imagine in-person ID checks leading to the demise of Backpage's adult section in Washington, and that is the ultimate hope of some of the bill's supporters. Sen. Kohl-Welles says, "I would love to have the escort services section shut down completely as there [are] very likely individuals 18 and over who are lured, then trapped, too," she says, but adds, "I doubt our new law will accomplish that."

Seattle Mayor Mike McGinn anticipates that Backpage will argue that the law puts an undue burden on the site's operations, but says, "On balance I tend to have a greater concern about the harm that's being done to young children than I do about the burdens on Backpage to adequately prevent it."

Beyond the question of what this will mean for Backpage's business overall, there is the issue of whether the law will be effective in stopping traffickers. As any rebellious teenager knows, IDs are relatively easy to fake. What's more, it seems possible for traffickers to do a bait and switch — use an adult's ID for the check and then sell a minor. State Sen. Jerome Delvin, R-Olympia, a sponsor of the law, tells me, "Yeah, they may well try that. They're pretty inventive to begin with in how they advertise that stuff." The hope, he says, is to provide one more hurdle for them.

The law doesn't make clear whether an ID has to be matched up to a photo accompanying the ad, if there is one, or whether the person in the ID has to be physically present for the verification. Kohl-Welles says, "We don't get into that level of detail. That, again, would be up to the courts."

And that's where the problems could really begin. Village Voice Media's McDougall says it's "a law that draws public acclaim but no practical effect." She also claims that the law "ignores its implication and potential contradiction of federal privacy laws and public privacy concerns" and that it "will inevitably be challenged and defeated for its unconstitutionality and the impossibility of its implementation." The ACLU, however, reviewed the bill and determined that it could pass constitutional muster — although, contrary to other reports, the organization has not taken an official stance on the law.

Kohl-Welles says the law should pass constitutional muster because "we're not determining what's in the ad, *per se*, or that they can't have an ad." Although she says, "I suppose there could be a case made that, 'Well, they're chilling our free speech. They're chilling our free speech with what we do with the freedom of the press.'"

The Washington law is just another example of how complex, imperfect and understandably desperate the fight against child sex trafficking can be. As Mayor McGinn says, "Nobody's kidding ourselves that getting Backpage to change its practices will end trafficking."

 Tracy Clark-Flory is a staff writer at Salon. Follow [@tracyclarkflory](#) on Twitter.

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National Association of Attorneys General (NAAG) Speech on Backpage.com

"I know it is one of Sen. Kirk's top priorities to ensure that Backpage.com ceases its facilitation of child sex trafficking through its adult services section."

Wednesday, Mar 7



"I know it is one of Sen. Kirk's top priorities to ensure that Backpage.com ceases its facilitation of child sex trafficking through its adult services section."

March 6, 2011

Washington, DC – Washington State Attorney General Rob McKenna, president of the National Association of Attorneys General (NAAG), gave the following speech about Backpage.com today. McKenna spoke to his fellow attorneys general at NAAG's spring meeting.

Last year nearly all of you signed a letter to the online classified site Backpage.com, asking that the company substantiate its claims that it fights to prevent the exploitation of minors through its site.

As you know, we came to this issue because, as our state's chief law enforcement officers, we are particularly sensitive to crimes against children. We can't tolerate online prostitution ads featuring minors. That's part of what led many of us to work with Craigslist to eliminate adult services ads, which they did in 2010.

Leading up to last year's letter to Backpage, we'd seen more than 50 media reports in 22 states of arrests directly related to the exploitation of minors through the site. These were just the stories that made it into the news.

And the arrests continue.

Last week, federal authorities apprehended a man in New York for sexually trafficking six minors through Backpage. Federal law enforcement officers say Thomas Cramer, a career criminal, recruited the girls, placed ads for them on Backpage and took the girls to meet customers at hotels, taking a portion of the proceeds.

In a text message exchange captured by DOJ, Cramer tells a girl that she can make more money being a prostitute than at her job at a grocery store. Prosecutors say at least one of the minors was a runaway. That's typical. Pimps and other traffickers target the vulnerable – society's so-called "throw-aways."

No young person deserves to be thrown away. It's outrageous that kids who face abuse at home, who often run away and fall into drug or alcohol abuse, are exploited by pimps. Yet, as vice-squad officers will tell you, these are the kids sought out by criminals, recruited into prostitution and posted for sale on sites such as Backpage.

As you know, Backpage is owned by Village Voice Media Holdings. The Voice was co-founded by Norman Mailer and others in 1955 to promote independent journalism. Over the years the Voice received Pulitzer prizes and a host of other awards.

But today, those on the left, right and center; religious and secular leaders; government and non-government organizations are increasingly frustrated that

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Backpage representatives say they work closely with law enforcement to root out the exploitation of minors on their site. But where were they when Thomas Cramer's victims were posted there? Where were they when they allowed, for example, ads featuring a 15-year-old from my state? I'm speaking of a young person who visited my office recently to talk about her experiences. She was ensnared into prostitution within 48 hours of running away from home. No one from Backpage intervened when her pimp posted an advertisement. She was terribly abused and assaulted by a man who responded to the Backpage posting.

Again, Backpage representatives say they are committed to preventing minors from being posted on their site. But where were they when this girl needed protection?

Since our letter to Backpage.com, a few major developments have taken place. First, in October of last year, the Auburn Theological Seminary placed a full page ad in the New York Times calling for Backpage to end its adult services section. They launched two online petitions, one for clergy and one for a general audience. It was signed by 450 religious leaders—Christians, Jews and Muslims—and more than 80,000 Americans overall. You'll find the petitions on Change.org.

In February, John Buffalo Mailer, the son of Village Voice co-founder Norman Mailer, urged Village Voice to take down the Backpage adult services section, before the company his father helped create would, and I quote, "Have to answer for yet another child who is abused and exploited because (the company) did not do enough to prevent it."

Finally, just last week, a groundbreaking bipartisan bill passed the Washington state Legislature. I've brought copies with me today. This new law—which may be of interest in your states—makes it illegal to knowingly publish an escort ad involving a minor. It offers an affirmative defense for those who can show they obtained age verification before an ad was published. This provides an incentive for companies such as Backpage to verify the ages of those posted on their site.

However, Backpage executives have previously opposed any suggestion that they check the ID of those posted on their site. They say it's simply too high a bar for them to meet. But again, they make over \$22 million a year from adult services ads. Is it too high a bar to require that those ads feature people old enough to legally consent?

The fact that Backpage opposes age verification shows that their stated commitment to protecting kids is, apparently, more window dressing than an actual reality.

Some of you have asked about Backpage's response to the request that came from all of us. You've asked if they've provided the information we requested about how, exactly, they work to protect kids. The answer is no. We asked seven months ago. Backpage lawyers dithered and delayed and offered excuses. Recently, after months of delays, they said they have compiled the information and will provide it. But we're still waiting.

So, what's next?

In the case of Craigslist, we dealt with a company whose CEO, Jim Buckmaster, believes in putting people above profits. Not so in the case of the Village Voice and Backpage. In this case, we deal with a company apparently impervious to public opinion and immune to any sense of shame. This point is driven home by the Village Voice's deployment of their 13 weekly newspapers to produce stories suggesting that child sex trafficking is an overstated problem.

No. When any child is exploited, the problem is not overstated. It demands our full attention. We agree with those who are committed to fighting child sex trafficking, including the U.S. Conference of Catholic Bishops, the Polaris Project and the Coalition to Abolish Slavery & Trafficking. All of these organizations—and a few others—have been attacked by the Village Voice for their work to fight child sex trafficking.

However, there is still a way forward for Village Voice: they can respond to the tens of thousands of Americans, in addition to all of you, who have asked them to be good corporate citizens and end adult services advertising. We will continue to put pressure on Backpage. And every day, more important voices join ours. **We have been working closely with Senator Mark Kirk and Sen. Richard Blumenthal's offices. I know it is one of Sen. Kirk's top priorities to ensure that Backpage.com ceases its facilitation of child sex trafficking through its adult services section.** Sen. Blumenthal has been focused on this issue since his days as Connecticut's Attorney General. We've also been working with Congressman Dave Reichert—my congressman. He's the former King County Sheriff and one of the key people involved in apprehending the Green River Killer. As such, Congressman Reichert is very familiar with crimes targeting runaways.* I look forward to continue working with Senator Kirk, Senator Blumenthal, Congressman Reichert and others as we seek to protect children from online sex trafficking.

Finally, members of Congress may want to review section 230 of the Communications Decency Act in order to make sure that when Backpage goes away, another operation based on exploitation doesn't fill the void.

The CDA was passed in 1996 in response to fears about Internet Service Provider liability for defamatory statements made by their online users. It was intended to protect ISPs and Web sites from tort liability for materials posted by third parties. Backpage executives see the CDA as a license to make money from prostitution ads without any accountability. I disagree with their assessment. The CDA does not immunize Web sites from criminal prosecutions under federal law, though the states are currently hampered in their ability to take enforcement action. However, given that sites such as Backpage see this federal statute as an invitation to promote human trafficking without consequence, Congress should hold hearings about carefully revising the law to ensure that the knowing promotion of prostitution, for example, is more easily pursued by state authorities, in addition to their federal counterparts.

Child sex trafficking—whether it occurs online or off—is an urgent problem. It's

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Study: Facebook replacing Craigslist for prostitutes

A Columbia University professor says 83 percent of prostitutes have a Facebook page and that, by the end of 2011, Facebook will be their No. 1 online medium of recruitment.



by Chris Matyszczyk | February 7, 2011 10:37 PM PST

When Craigslist withdrew from the adult services business last year, some wondered whether the prostitution business would be driven to less obvious and, perhaps, more dangerous places.

However, a Columbia University professor is suggesting that the business might have gravitated to somewhere even more obvious: Facebook.

Sociology professor Sudhir Venkatesh published the results of his work among New York prostitutes on Wired. And it makes for a stimulating insight into how technology is influencing the prostitution business.

Technology seems to have made men's behavior suddenly sophisticated.

"No self-respecting cosmopolitan man looking for an evening of companionship is going to lean out his car window and call out to a woman at a traffic light," Venkatesh said.



Is Facebook a new, discreet red light district?

(Credit: CC Pink Moose/Flickr)

Instead, Venkatesh estimates that 83 percent of prostitutes have a Facebook page. Moreover, he believes that by the end of 2011, Facebook "will be the leading online recruitment space." Indeed, he says, even before Craigslist beat its retreat, Facebook was becoming a happy home for many prostitutes.

With more discreet and personal access offered through cell phones, the web and Facebook in particular, he believes that prostitutes "can control their image, set their prices, and sidestep some of the pimps, madams, and other intermediaries who once took a share of the revenue."

Even in 2008, he estimates that 25 percent of prostitutes' regular clients came through Facebook (compared with only 3 percent through Craigslist).

Perhaps it seems obvious. If every other form of relationship is made through Facebook, why wouldn't the more professional kind?

While the professor doesn't go into details about how connections are made with prostitutes on Facebook, some might assume that they might follow the same pattern as any other friending. But perhaps it might be more complicated, with a little more inside code employed to keep things discreet.

Still, if everything is becoming more personalized, as well as more social, why should anyone

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killer will be born mobile

279 Comments

ABOUT TECHNICALLY INCORRECT

Chris Matyszczyk brings a fresh and irreverent perspective to the tech world in his CNET blog, Technically Incorrect. He is a member of the CNET Blog Network and is not an employee of CNET.



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About Chris Matyszczyk

Chris Matyszczyk is an award-winning creative director who advises major corporations on content creation and marketing. He brings an irreverent, sarcastic, and sometimes ironic voice to the tech world. He is a member of the CNET Blog Network and is not an employee of CNET.

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AzzBook ?

Posted by [AndroidFTW](#) (5219 comments)
February 7, 2011 11:00 PM (PST)

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Hey maybe some state AG is reading this, and will figure out he can make a name for himself by shutting down facebook.

That should be good for a lark.

Posted by [roblearns](#) (1072 comments)
February 8, 2011 10:27 AM (PST)

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This is one of those moments, like a minister, priest, and a rabbi actually walking into a bar, where there are so many jokes running through your head, you struggle to pick one...

Wonder how long before some enterprising "business partner" of Facebook will begin seeing a pattern of pages visited by certain people, and then use their knowledge to make some money? "Buy TrackerProtection for \$99.99 a month, and we'll never tell anyone where we tracked you!"

Posted by [gwailo247](#) (2468 comments)
February 8, 2011 12:14 AM (PST)

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Backpage Takes Heat, But Prostitution Ads Are Everywhere

Nicholas Kristof of the [New York Times](#) has a [heartrending story](#) today about underage prostitutes who are pimped out on [Backpage.com](#), a website with roots in the swinging personal ads that have appeared at the back of the [Village Voice](#) since the 1960s.



Home of nasty ads for decades. Image via Wikipedia

Kristof describes how a 13-year-old he calls Baby Face was advertised on Backpage and repeatedly raped by older johns. He quotes Brooklyn prosecutor Lynn Hersh as saying "Backpage is a great vehicle for pimps trying to sell girls." He notes that [Craigslist](#) got out of the business after public protests and pressure from state attorneys general.

It's all true — except Craigslist hasn't really gotten out of the business and Backpage isn't the best place to run an illegal enterprise, at least if you want to keep your business secret from the cops. The company, a unit of [Village Voice Media](#), says it takes credit card numbers for all ads, including free personals, and responds to subpoenas within hours.

It is true Craigslist got rid of its "Adult Services" advertising category in September 2010, but that doesn't mean prostitutes and pimps aren't still using the site. Type in [this Google search](#) if you're curious: site:craigslist.org inurl:cas roses. "Roses" is code for "dollars" in the world of Internet prostitution, and you get more than 20,000 listings by people who seem to be talking about sex and money in Craigslist personals. Want to find more professionals quick? Search for "Asian massage" on Google, or "site:facebook.com escorts new york." I'm not saying they're all prostitutes, but chances are there are more than few among the legitimate escort agencies and massage parlors that advertise online.

Kristof notes that attorneys general of 48 states [sent a letter to Backpage last August](#) accusing the company of being a "hub" for child sex trafficking activity. Investigators identified hundreds of prostitution ads and reported that "nearly naked persons in provocative positions are pictured in nearly every adult services advertisement." As opposed to Craigslist personals like [this one](#) and [this one](#) (warning: explicit).

It's curious that the AGs are targeting Backpage, which they say earns some \$22.7 million a year from adult personals. Yes, Backpage makes money from randy ads — parent Village Voice been doing that for decades — but it's also the online equivalent of a European red-light district, contained and easily monitored by the police. A Backpage executive who spoke on condition of anonymity told me the company has 123 moderators reviewing the content of ads to try and identify ads for underage prostitution.

Since posters also supply credit-card numbers, it isn't hard in most cases for police to track down who places those ads. (The advertiser in the Kristof case wrote a plain-vanilla personal ad for "labor day weekend fun" with a 21-year-old, but his credit card number allowed him to be quickly identified, Backpage says.) The Backpage executive said the company responds to about

Backpage has taken a defiant tone with the AGs and prosecutors who accuse it of aiding prostitution. The company was recently blamed for prostitute killings in Detroit but Backpage showed that the victims had advertised on at least 15 other sites and there was no evidence the killer had relied on Backpage to find the victims. Its executives are quick to supply the links and Internet code words that show just how ubiquitous Internet prostitution really is. (Try searching for “BBBJ” or “talent gigs” and lots more action pops up.) While Craigslist and other sites have discouraged the use of phone numbers, advertisers simply spell them out or place them in photographs; Google the numbers and you’ll see they are often for dubious-looking escort services. Many of those even have explicit Google reviews.

Kristof acknowledges “there’s some risk that pimps will migrate to new Web sites,” but it seems obvious they never left. So when the AGs declared victory over Craigslist in 2008, it may have been a little premature.

I’m not saying there’s anything wrong with trying to shut down the vigorous market for human flesh. It’s equivalent to targeting child pornography: Eliminate the producers of this ghastly product and the exploitation will diminish.

But the choice of targets is curious. Especially when one of the leaders of the effort is Washington Attorney General Rob McKenna. Not only is Washington home to Microsoft, whose Bing search engine and software helps power the Internet prostitution business. McKenna’s official bio also notes he practiced business and regulatory law at Perkins Coie from 1988 to 1996. Among the law firm’s many clients is Craigslist, which it successfully defended in a 2009 case by the Cook County Sheriff accusing Craigslist of facilitating prostitution.

Attorney General McKenna had this to say about the story above:

Attorney General McKenna and the vast majority of state attorneys general raised concerns about Backpage.com because the site is, according to independent industry analyses, the largest Internet hub for prostitution ads. There is a huge and obvious difference between prostitution ads that appear in Internet searches and a business that actively solicits advertisements for prostitutes in every major city in America, along with many smaller cities. The claim that Backpage.com is the online equivalent to a red-light district, “contained and easily monitored by police” ignores that police directly involved in rescuing women and girls from pimps are overwhelmingly opposed to such sites. Finally, the choice of targets is clearly not “curious.” We have seen arrests of those involved in the trafficking of minors through Backpage.com in cities throughout the United States. That’s why non-governmental organizations, religious and secular leaders, police, mayors, state legislators and others throughout the country focus particularly, but not exclusively, on Backpage.com.

Backpage issued this response to McKenna’s comments on Feb. 17:

“Taking down Backpage ads would have zero impact on the trafficking Mr. McKenna says he is eager to stop. As *Forbes* shows, his claim that Craigslist has “eradicate[d]” such advertising is not true. Anyone can see erotic ads on Craigslist today. And arrests linked to Craigslist ads have continued all over the country, showing censorship doesn’t work.

A Columbia professor reported this month that 61% of prostitutes advertise on Craigslist, with Facebook gaining fast. These ads are on thousands of web sites, where users use search engines to find them. Unlike Backpage, the largest search engines even let users instantly locate the closest teen escorts, watch explicit videos and read escort reviews. Searches for “teen escort” produces tens of millions of postings including every city in America. Against these numbers, Backpage is a rounding error.

The idea that Backpage is the largest such site is ludicrous. Mr. McKenna’s “industry analyses” actually come from a single source that admits its reports are financed by secret money from activists with hidden agendas. In contrast, both Microsoft and USC have recently published independent studies showing the effective solution is to leverage web technology to capture predators and rescue kids.

That’s exactly what Backpage does. We monitor 24/7, cooperate with police, operate lawfully, and use strategies that work. Mr. McKenna’s strategy, while it might make good news copy and political rhetoric, won’t rescue anyone.

This article is available online at:
<http://www.forbes.com/sites/danielfisher/2012/01/26/backpages-takes-heat-for-prostitution-ads-that-are-everywhere/>

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*love and sex*

THURSDAY, MAY 24, 2012 08:24 AM PDT

Sex ads: It isn't just Backpage.com

From Facebook to Twitter and once again on Craigslist, a new study shows adult advertising permeates the Web

BY TRACY CLARK-FLORY

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TOPICS: EDITOR'S PICKS, LOVE AND SEX



(Credit: Advanced Interactive Media Group)

A new report could defend the besieged Backpage.com — and it comes from the same research organization that has been used in the campaign against the classified-ad site.

Activists calling for the site to shutter its adult classifieds section on the grounds that it promotes sex trafficking — like New York Times columnist Nicholas Kristof — have seized on research from Advanced Interactive Media Group (AIM) showing that across a handful of sites carrying prostitution ads, 70 percent come from Backpage. Another significant finding from the organization is that the site's parent company, Village Voice Media, makes \$22 million from such ads. Again and again, critics of the site trot out these, and similar, statistics drawn from AIM research — but the organization's latest study highlights just how far online prostitution spans beyond Backpage.

In fact, the first lines of the report return to the supposedly resolved issue of sex ads on Craigslist: "Prostitution ads are back on Craigslist. If they ever left in the first place." As the report explains, shortly after the adult section was shuttered, AIM reviewed the classified site and found that "there were few if any blatant ads for prostitution." But now, AIM has found that "ads that appear to be for paid sex work are posted regularly" on Craigslist. Granted, the numbers are much lower than they were before the site closed its "adult services" section — and specific stats weren't available ahead of this writing — but "some [ads] were as blatant as they were" before the closure, and a subset included terms like "barely legal" (which is often used to signal the opposite: underage girls).

In addition, AIM found sex ads on mainstream sites like Facebook, Tumblr and Twitter. Mostly, these ads come in the form of Facebook pages, blog posts or tweets advertising an escort service or individual sex workers. Researchers also found such ads on YP.com and About.com (interestingly, the latter is owned by the New York Times Co., which employs Kristof, arguably the most vocal critic of Backpage).

The release lays out the financial benefit to hosting such ads: "Whether free or paid, listings and ads for escort services and

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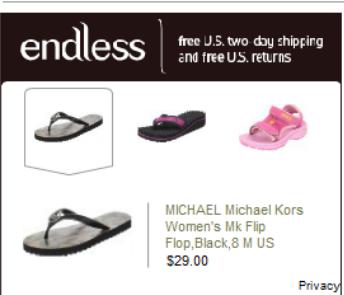
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Anonymous strikes back

similar adult content frequently serve a business purpose for sites like About.com and YP.com," the report explains. "They drive traffic and page views; they drive legitimate results for seemingly (or pseudo-) legitimate businesses; and they provide search results with adjacent paid or pay-per-click ads, which can generate revenue as they are served."

The volume of these ads is nowhere near that on Backpage, but AIM's finding shows how easily sex ads proliferate online, even in "legitimate" online venues. Keeping these ads from popping up online is like trying to keep frogs in a bucket.

Asked to comment on whether this latest research poses a challenge to the effort to shut down Backpage's adult section, Peter M. Zollman, founding principal of AIM, said, "Ads for prostitution are in hundreds or thousands of places online, and anyone looking for them can find them. Backpage and Craigslist are just two sites, and both have taken pretty aggressive steps to eliminate ads involving trafficking in children." The AIM report doesn't look specifically at the existence of trafficking ads, as opposed to general sex ads, but as anti-trafficking activists [have told me](#), they see the two as inseparable.

Update: A publicist from About.com tells me the site is "in the process of removing any pages from About.com that include links to escort services" and says "they represent a very small percentage of overall pages on About.com."

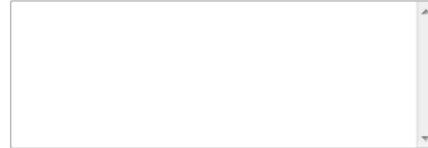
 *Tracy Clark-Flory is a staff writer at Salon. Follow [@tracyclarkflory](#) on Twitter.*

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Amity

THURSDAY, MAY 24, 2012 08:59 AM PDT

Hey I have an idea. Let's just skip a few years' worth of theater and cut right to the bottom line, shall we?

Make it so everyone needs a license to post anything online, and if you do anything that offends the powers that be, your license is revoked. ISPs that let unlicensed traffic through will be shut down, plain and simple.

What's that, you say? It would be impossible for independent common-carriage internet providers to police their entire data streams? Well, the "content industry" will shed bitter tears over the casualties of progress, but independent ISPs will just have to go. They will of course reluctantly — oh so reluctantly — agree to step in and take over, ensuring that good, decency-abiding licensed internet users can continue to quietly go about properly approved business, while malefactors and scofflaws are weeded out.

After all, why stop at prostitution? If prostitution is literally slavery, then so is porn. People who produce, participate in, and consume porn are — literally, now, this is not a metaphor! — accomplices in a wicked trade that is no different, in any way, from selling small children to be raped for profit.

No different, whatsoever.

And while we're at it, so is unregulated "fair use" of art online! Really! You are raping the small children of the intellectual property world, by which I mean of course the likes of Disney and the RIAA.

Anyone who defends any of these practices, from prostitution to porn to fair use, is literally no different from someone who defends child sex slavery.

And a little itty bitty licensing scheme is not too much to put up with, to rid ourselves of child sex slavery, right? And so we have to toss out a few bizarre esoteric fringe ideas like "network neutrality," "common carriage," and "fair use." They sound pretty

EXHIBIT T



Substitute House Bill No. 5504

Public Act No. 12-141

AN ACT CONCERNING COMMERCIAL SEXUAL EXPLOITATION OF A MINOR.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2012*) (a) For the purposes of this section:

- (1) "Advertisement for a commercial sex act" or "advertisement" means any advertisement or offer in electronic or print media which includes an explicit or implicit offer for a commercial sex act to occur in this state;
- (2) "Commercial sex act" means any act of sexual contact, as defined in section 53a-65 of the general statutes, or sexual intercourse, as defined in section 53a-65 of the general statutes, for which something of value is given to or received by any person;
- (3) "Depiction" means any photograph, film, videotape, visual material or printed material; and
- (4) "Person" has the meaning provided in section 53a-3 of the general statutes, but does not include a government or a governmental instrumentality.

(b) A person is guilty of commercial sexual exploitation of a minor when such person knowingly purchases advertising space for an advertisement for a commercial sex act that includes a depiction of a minor.

(c) (1) In any prosecution for an offense under this section, it shall not be a defense that the defendant (A) did not know the age of the person depicted in the advertisement, (B) relied on an oral or written representation of the age of the person depicted in the advertisement, or (C) relied on the apparent age of the person depicted in the advertisement.

(2) In any prosecution for an offense under this section, it shall be an affirmative defense that the defendant, prior to purchasing advertising space for the advertisement, made a reasonable bona fide attempt to ascertain the true age of the person depicted in the advertisement by requiring the person depicted in the advertisement to produce a driver's license, marriage license, birth certificate or other government-issued or school-issued identity card that identifies the age of the person, provided the defendant retains and produces a copy or other record of the license, certificate or identity card used to ascertain the age of the person depicted in the advertisement.

(d) Commercial sexual exploitation of a minor is a class C felony.

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Sex Trafficking In California: State And Tech Companies Build Alliances To Combat Crime



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This article comes to us courtesy of California Watch.

By Shoshana Walter

Last year, California Attorney General Kamala Harris joined attorneys general across the country in declaring war against Backpage.com, a free classified website run by Village Voice Media. The officials threatened legal action if the site didn't stop running ads for adult services, some of which have been linked to underage sex trafficking.

But while Harris took a confrontational tone with Backpage - which has since balked at shutting down its adult pages - a more cooperative dynamic has emerged this year between the attorney general and online companies.

Harris recently announced an agreement with mobile and tech companies that requires their apps to better display their privacy policies. While Harris said she will not rule out legal action against sites such as Backpage, her office has begun to build more alliances with online firms. And as companies such as Facebook have matured, they have become more willing to cooperate with government leaders and law enforcement.

This week, representatives from Facebook and Microsoft will be among 50 law enforcement and nonprofit leaders who are meeting as part of a new Department of Justice task force on human trafficking in the state. By the end of the summer, the government task force plans to issue a report containing best-practice guidelines for law enforcement, tech companies and service providers combating human trafficking locally and online.

"Having everyone at the table, it makes them more vested in being part of the process and finding solutions," said former special assistant attorney general Suzy Loftus, who organized the meetings. "These public-private partnerships are one tool at our disposal."

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But industry observers say tech companies' increasing cooperation with government leaders and law enforcement is less a sign of goodwill than of self-preservation. As online

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look for the best return on your investment. And sometimes that means working with the government," said Eric Goldman, an associate professor at the Santa Clara University School of Law and director of the High Tech Law Institute.

"If the industry and the government are getting cozy together, the industry might get a seat at the table that's helping to shape regulation. Why wouldn't they want to be a part of that?"

Some privacy advocates say partnerships between tech companies and governmental agencies threaten the rights of Internet users. Civil rights attorneys have criticized Facebook and other companies for signing on in support of CISPA, a bill that would allow private companies to share with the government any user information that constitutes a homeland security or cyber threat.

"It's a civil liberties nightmare," said Rainey Reitman, director of activism for the Electronic Frontier Foundation. "It's under the guise of something everybody wants to get behind - internet security - but the actual implication of this bill would be to undo decades of privacy law."

Facebook already shares personal account information with law enforcement agencies upon subpoena, court order and sometimes request, and runs every single photograph uploaded onto the site through a federal child pornography database run by the National Center for Missing and Exploited Children. The social networking company advertises a national hotline for sex trafficking victims on the site, and lists information about help for victims in its FAQ.

At least one issue the task force has discussed is whether Facebook has the right to screen users' search terms for words that might identify them as potential victims of human or sexual trafficking. The websites could then show the user ads for helpful organizations or a national trafficking hotline, something that Google, for example, already does when users enter "suicide" into the search bar. A suicide hotline appears at the top of the list.

"I haven't got much problem with that, because at that point you don't have much data going outside of Google," said Reitman. "I think you get into a different situation when you have data going from users to the government, without them understanding what's happening."

While many websites have joined in efforts to clamp down on the distribution of child pornography, trafficking is a newer issue. In a span of just a few years, the Internet has quickly entered the forefront in conversations about combating human trafficking.

In 2007, two years after California lawmakers made human trafficking a felony, the attorney general's office convened a similar task force and released a report on trafficking in the state. The Internet was not mentioned.

Then in 2010, the State Department called together a meeting with researchers in Washington, D.C., to discuss the intersection of trafficking and technology.

Facebook and other tech companies attended the discussion, and Mark Latonero, director of research at the USC Annenberg Center on Communication Leadership & Policy, and his colleagues decided to study the issue. They released a report, "Human Trafficking Online," in 2011.

Previously, state leaders weren't "really thinking about technology as a tool to help," said Latonero, a member of the task force.

Attorneys general have also put pressure on Craigslist, Tagged and Myspace to alter policies and services. "We know technology can be used for good and bad," Latonero said. "We also want to understand how technology can be used not only to facilitate trafficking but also monitor and combat it."

In February, Attorney General Harris decided to follow suit, inviting many of the same organizations and tech companies to the first task force meeting in close to five years. Google, with which Microsoft is at war over everything from monopolizing the market to search engine algorithms, was invited to participate in the second task force meeting last month, but declined.

Microsoft, which helped develop the PhotoDNA technology used by Facebook and other websites to identify known child pornography images, recently awarded grants to researchers on the topic of sex trafficking and technology. They are helping to build a searchable database of information mined from known and publicly accessible sex-trade websites for law enforcement agencies across the country. Researchers plan to analyze patterns in the data to understand how human traffickers operate online.

Samantha Doerr, a member of the task force and Microsoft's digital crimes unit, said researchers are not violating privacy protections because the data they are looking at is publicly available online. She said companies can build technology, such as PhotoDNA, that is more "exact" and that allows companies to detect illegal activity or images without impinging on users' privacy rights.

"A lot of information out there is extremely publicly available and visible," she said. "And these crimes we're talking about are really tremendously awful."

companies come to dominate the marketplace, they'll look for ways to keep the power level, and many say the cooperation could lead to problems for consumers.



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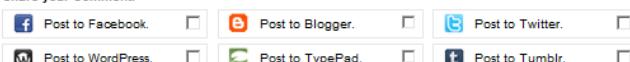
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